## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BLACKHAWK SCHOOL DISTRICT, a local government entity,	) CIVIL ACTION
Plaintiff,	) No. 2:23-cv-00500-CE
v.	) ) Hon. Cathy Bissoon
NORFOLK SOUTHERN CORPORATION and NORFOLK SOUTHERN RAILWAY COMPANY,	<ul><li>Jury Trial Demanded</li></ul>
Defendants.	) ) )

## PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO TRANSFER VENUE

Plaintiff, by and through its undersigned counsel, files the within Response in Opposition to Defendants' Motion to Transfer Venue, contemporaneously with Plaintiff's Brief in Opposition to Defendants' Motion to Transfer Venue, stating in support thereof as follows:

- 1. Admitted in part, denied in part. It is admitted that multiple lawsuits have been filed against Defendants Norfolk Southern Corporation and Norfolk Southern Railway Company in the United States District Court for the Northern District of Ohio. It is denied that any school districts/school entities have filed suit against Defendants in the Northern District of Ohio, and it is denied that any school districts/school entities organized and existing in accordance with the laws of the Commonwealth of Pennsylvania, such as the Plaintiff in the present matter, have filed suit against Defendants in the Northern District of Ohio.
- 2. Admitted in part, denied in part. It is admitted that Defendants quote portions of the Third Circuit's opinion discussing the "first-filed rule," in *EEOC v. Univ. of Pennsylvania*, 850

F.2d 969 (3d Cir. 1988). It is denied that the Third Circuit's "first-filed rule," compels the transfer

of the present matter to the Northern District of Ohio.

3. Denied. It is denied that this matter should be transferred to the Northern District

of Ohio pursuant to 28 U.S.C. § 1404(a) as the United States District Court for the Northern District

of Ohio is not the more convenient forum for the adjudication of this matter. Plaintiff incorporates

its Brief in Opposition to Defendants' Motion to Transfer Venue by reference, as if set forth fully

herein.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an Order

denying Defendants' Motion to Transfer Venue and allow this case to proceed in the Western

District of Pennsylvania.

Respectfully submitted,

DILLON McCANDLESS KING COULTER & GRAHAM, L.L.P

Date: April 27, 2023

By: /s/ Thomas W. King, III

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